

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**BRIAN ATER,**

**Petitioner,**

**V.**

**Case No. CIV-20-1090-G**

**LUKE PETTIGREW, Warden,**

**Respondent.**

## ORDER

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Amanda Maxfield Green on November 4, 2020. Judge Green recommends that Petitioner’s application for leave to proceed *in forma pauperis* be denied because Petitioner has sufficient funds to pay the \$5.00 filing fee. Within the time period for a written objection, Petitioner has paid the required \$5.00 fee. *See* Doc. No. 6. Accordingly, the Court finds that Petitioner’s application to proceed *in forma pauperis* is moot.

IT IS THEREFORE ORDERED that the Report and Recommendation (Doc. No. 5) is ADOPTED, and Petitioner's application (Doc. No. 2) is DENIED.

IT IS FURTHER ORDERED that this matter is re-referred to Judge Green for further proceedings consistent with the initial case referral.

IT IS SO ORDERED this 3rd day of December, 2020.

*Charles B. Goodwin*  
CHARLES B. GOODWIN  
United States District Judge